

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 1-8, drawn to an insect acetyl-cholinesterase and a peptide fragment of the acetyl-cholinesterase.
- Group II: Claims, 9-11, 19, and 20, drawn to an isolated nucleic acid molecule encoding an acetyl-cholinesterase, a recombinant vector, and a host cell.
- Group III: Claims 12-18, drawn to a method for detecting insects carrying resistance to particular insecticides by nucleic acid analysis.
- Group IV: Claims 21-22, drawn to an antibody and a reagent for detecting insects carrying resistance to particular insecticides.
- Group V: Claims 23, drawn to a transgenic invertebrate animal.
- Group VI: Claims 24-28, drawn to a method for screening an insecticidal substance, a reagent, a kit, and a method for screening inhibitors of an AChE1.

Applicants provisionally elect Group I, Claim 1-8, drawn to an insect acetyl-cholinesterase and a peptide fragment of the acetyl-cholinesterase, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the six groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of the entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Additionally, Applicants maintain that the Group II and Group VI claims should have been included in Group I considering that Claims 9-11 and 19-20 of Group II relate to the nucleic acids coding the AChE1 of Group I and Claims 24-28 are a utility for the AChE1 of Group I.

Finally, Applicants respectfully submit that, should the claims of Group I be found allowable, the Office should expand its search to the claims of Groups II through VI.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

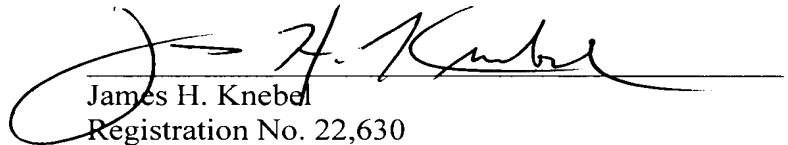
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